

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
EASTERN DIVISION  
No. 4:17-CR-27

UNITED STATES OF AMERICA, )  
 )  
 v. )  
 )  
 JAMES ANTRON DIDLY, )  
 )  
 Defendant. )

**ORDER**

Pursuant to Federal Rule of Criminal Procedure 32(h), the court hereby notifies the parties that it is contemplating an upward departure under U.S.S.G. § 4A1.3(a)(1). The court doubts whether defendant qualifies for the career offender enhancement under U.S.S.G. § 4B1.1. See United States v. Whitley, No. 17-4343, No. 17-4360, 2018 WL 2972662, at \*1–2 (4th Cir. June 12, 2018) (per curiam) (unpublished); United States v. McCollum, 885 F.3d 300, 305–09 (4th Cir. 2018). Reliable information, however, appears to indicate that defendant’s criminal history underrepresents the seriousness of the defendant’s criminal history or the likelihood that he will commit other crimes. See Fed. R. Crim. P. 32(h); U.S.S.G. § 4A1.3(a)(1). Furthermore, the court advises that defendant’s Presentence Investigation Report provides notice concerning an upward departure under U.S.S.G. § 5K2.21 based on dismissed and uncharged conduct.

SO ORDERED. This 30 day of August 2018.

  
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JAMES C. DEVER III  
Chief United States District Judge